



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/053,047	11/09/2001	Michael J. Whalen	032167.001

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Suite 210  
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CONFIRMATION NO. 1649

## FORMALITIES LETTER



\*OC00000007670794\*

Date Mailed: 03/19/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 5,6, and 7 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

*Hayco*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

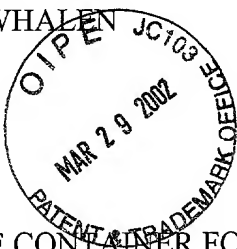
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICATION FOR PATENT ISSUANCE

First Applicant: Michael J. WHALEN  
Application No.: 10/053,047  
Filing Date: 11/09/2001  
Title: PORTABLE CONTAINER FOR PAINT, ROLLER AND BRUSH

Attorney Docket No.: 032167.0001



Commissioner for Patents  
U.S. Patent and Trademark Office  
**Attn.: Initial Patent Examination Division**  
Washington, D.C. 20231

Response to Notice of Omitted Item(s) in a Nonprovisional Application

Sir:

As authorized agent of the above referenced applicant and in response to the Notice of Omitted Item(s) in a Nonprovisional Application dated March 19, 2002, I hereby state the following:

Applicant respectfully submits that the items noted in the Notice of Omitted Item(s), namely, Pages 5, 6, and 7 of the specification, were timely and accurately submitted with the November 9, 2001 utility application. Applicant submits herewith a complete copy of the Specification as originally filed, including pages 5, 6, and 7, along with the requisite Petition Fee of \$130.00, to be debited from our Deposit Account No. 50-0766. Please note that the enclosed copy was made immediately prior to placing the application in the Express Mail envelope for mailing as this is our standard procedure. Further, please note that the Utility Patent Application Transmittal form accompanying the application indicates 19 pages of specification were included. This is only possible if pages, 5, 6, and 7 were included.

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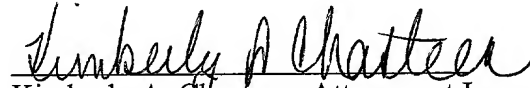
Serial No.: 10/053,047

Atty. Docket No.: 032167.0001

Applicant believes with the submission of the above-captioned item, and in consideration of this response, compliance has been met and the petition fee in this matter should be refunded.

Respectfully submitted,

WILLIAMS MULLEN



Kimberly A. Chasteen, Attorney at Law  
Reg. No. 36,755

Date: 29 Mar 2002

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